

1754

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of

Cortland O. Dugger

1st Serial No. 08/990,757

2nd Serial No. 09/505,215

Examiner: Steven Bos

Group Art Unit 1754

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1st Filed: February 16, 2000

2nd Filed: August 13, 2001

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Amendment Under 37 - C.F.R. §1.115

Honorable Assistant Commissioner
Patent and Trademark Office
Washington, D.C. 20231

Sir:

This communication is this applicant's response to this first Patent Office Action on the above two serial numbered and filed dates; both of the same title.

The above serial number 08/990,757 application was filed February 16, 2000, to establish copendency, under 35 U.S.C. 120 and 121, between the parent, patent-allowed 08/990,757 application that was on file in the Patent Office before the issuance of the now U.S. Patent 6,066,305 on May 23, 2000. In this applicant's view, the 08/990,757 application was submitted as a divisional application. The Patent Examiner, however, referred to this submitted application as "...the paper filed February 16, 2000 containing priority information and claims 1,2." The Examiner did not enter this paper because this applicant did not give any instructions for entry. This matter will be considered, further, after copendency is confirmed and when, under 37 C.F.R. §1.53, the serial number 08/990,757 paper is in proper order to be entered and processed as a patent application.

Claims 1-5 of the serial number 09/505,215 application, filed August 13, 2001, are rejected as being anticipated by WO 933/17959 or Dugger '305. This applicant, however, is obliged to amend the claims and respond to the Patent Examiner's (PE's) July 17, 2003 first office action comments.